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In re Application of :
Andrew D. MURDIN, et al. :
Application No.: 09/830,446 :
PCT No.: PCT/CA99/00992 :
Int. Filing Date: 28 October 1999 :
Priority Date: 28 October 1998 :
Attorney Docket No.: 032931/0251 :
For: CHLAMYDIA ANTIGENS AND :
CORRESPONDING DNA FRAGMENTS :
AND USES THEREOF :
: COMMUNICATION

This application is before the PCT Legal Office for review of the declaration of the inventors submitted 24 September 2001.

BACKGROUND

On 28 October 1999 the present international application was filed with three applicants and inventors for the United States of America, namely Andrew D. MURDIN, Raymond P. OOMEN and Joe WANG.

In response to an Office Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) issued 24 May 2001, applicants filed on 24 September 2001 a Combined Declaration and Power of Attorney executed by Andrew D. MURDIN, Raymond P. OOMEN and Joe WANG, the three applicants and inventors listed in the REQUEST of 28 October 1999, and by Pamela DUNN, who is indicated as a fourth joint inventor in the present application.

DISCUSSION

A review of the international application file reveals that Pamela DUNN was not made an applicant/inventor for the United States during the international phase. The declaration of

the inventors submitted 24 September 2001 is not in compliance with 37 CFR 1.497(a) as it does not identify the same inventive entity indicated in the international phase. See 37 CFR 1.41(a)(4).

The declaration is also defective because it was amended by inventor MURDIN after execution. See MPEP 602.01.

DECISION

In view of the discussion mentioned above, the declaration of the inventors submitted 24 September 2001 cannot be accepted at this time. Applicants are required to provide an oath or declaration in compliance with 37 CFR 1.497(a), and, to correct inventorship to include Pamela DUNN as a joint inventor, to submit all the requirements under 37 CFR 1.497(d).

Applicants are hereby given **ONE (01) MONTH** from the mail date of this communication to submit a proper response. Failure to respond to this communication will result in abandonment of the international application as to the national stage in the United States.

EXTENSION OF THIS TIME LIMIT IS NOT AVAILABLE UNDER 37 CFR 1.136(a).

Please address further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, and direct the contents of the letter to the attention of the PCT Legal Office.



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